



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
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DA 04-2490
Released: August 6, 2004

DOMESTIC SECTION 214 APPLICATION FILED FOR *NUNC PRO TUNC* APPROVAL FOR NETWORK US, INC. TO ACQUIRE ASSETS OF CONNECTAMERICA, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 04-294

Comments Due: August 20, 2004
Reply Comments Due: August 27, 2004

On July 12, 2004, ConnectAmerica, Inc. ("Connect"), and Network US, Inc. ("Network") filed an application, pursuant to sections 63.03 and 63.04 of the Commission's rules,¹ requesting *nunc pro tunc*² approval for Network to acquire the telecommunications assets of Connect.³

Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(2)(ii) of the Commission's rules⁴ because (1) subsequent to the transaction, the transferee, Network, has less than 10 percent of the interstate, interexchange market; (2) Network will provide local exchange services in geographic areas served by a dominant local exchange carrier that is not a party to this proposed transfer; and (2) neither Connect nor Network is dominant with respect to any service.

Connect is a Delaware corporation that resells domestic and international long-distance service from various facilities-based carriers. Network is an Illinois corporation that also resells such services. Network is closely held by Brian Sledz and Tim Sledz, each of whom owns a 50%

¹ 47 C.F.R §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

² The term *nunc pro tunc*, meaning "now for then," refers to acts allowed to be done after the time when they should be done, with a retroactive effect. *See* BLACK'S LAW DICTIONARY 1069 (6th ed. 1990).

³ Applicants are also filing an application for consent to transfer authorization for international services. Any action on this domestic 214 application is without prejudice to Commission action on other related pending applications.

⁴ 47 CFR § 63.03(b)(2)(ii).

interest in the company. Neither Connect nor Network is dominant in the provision of the resold services it provides.

On July 8, 2004, while Connect was suffering financial difficulties, Network acquired Connect's customer base.⁵ Applicants now seek *nunc pro tunc* permanent approval of their transfer of Connect's telecommunications assets, which included blanket section 214 authorizations to provide domestic telecommunications services, to Network.

Applicants state that the transaction at issue was necessary to ensure uninterrupted service to Connect's former customers, and that the Commission's approval of this application will benefit the public interest. The Applicants also state that Connect's assets will enhance Network's capacity and render its operations more efficient, strengthening the company's ability to provide competitive services.

GENERAL INFORMATION

The transaction identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties may file **comments on or before August 20, 2004** and **reply comments on or before August 27, 2004**.⁶ Unless otherwise notified by the Commission, this application will be deemed granted on the 31st day after the date of this notice.⁷ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and

⁵ The Competition Policy Division of the Commission's Wireline Competition Bureau granted the Applicants special temporary authority to transfer the assets in question on August 6, 2004. See Letter from EllenAnn G. Sands, Counsel for Network US, Inc., to Michelle Carey, Chief, Competition Policy Division, Wireline Competition Bureau, FCC, WC Docket No. 04-294 (filed July 26, 2004, granted Aug. 6, 2004).

⁶ See 47 C.F.R. § 63.03(a).

⁷ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: www.bcpiweb.com; phone: 202-488-5300 fax: 202-488-5563;
- (2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: tracey.wilson-parker@fcc.gov;
- (3) Russell Hanser, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A321, Washington, D.C. 20554; e-mail: russell.hanser@fcc.gov;
- (4) Julie Veach, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C124, Washington, D.C. 20554; e-mail: julie.veach@fcc.gov;
- (5) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C740, Washington, D.C. 20554; e-mail: james.bird@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone: 202-488-5300, fax: 202-488-5563, or via e-mail www.bcpiweb.com.

For further information, please contact Tracey Wilson, at (202) 418-1394, or Russell Hanser at (202) 418-0832.

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